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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,970	05/25/2001	Bin Lu	ENR-011	6355

7590 02/25/2004  
Enreach Technology, Inc.  
2130 Gold Street, Suite 200  
San Jose, CA 95002

EXAMINER
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FLETCHER, JAMES A

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/865,970

Applicant(s)

LU, BIN

Examiner

James A. Fletcher

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4, 9, 12-16, 20, 24, 27-31, 34, 36, 38, and 39 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishio et al (5,557,317).

**Regarding claims 1, 16, and 31**, Nishio et al disclose a method for enabling a receiver device to receive media content from a recorder device, comprising the steps of:

- a server computer receiving a first request from a first receiver device for a media content (Col 1, lines 40-41 “A video gateway receives a subscriber request from a subscriber terminal”);
- the server computer locating a recorder device capable of receiving a transmission of the media content that satisfies the first request (Col 1, lines 45-47 “A program relocater analyzes the list to determine first and second video storage devices between which the video program is to be transferred”);
- the recorder device receiving a programming instruction from the server computer to record the media content when transmitted by a media content provider (Col 1, lines 47-50 “A transfer command generator is responsive to the program relocater for supplying a program transfer command signal”);

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- the recorder device recording the media content during transmission of the media content by the media content provider (Col 1, lines 52-53 “transferring the video program from the first video storage device to the second video storage device”);
- and the first receiver device receiving the media content recorded by the recorder device (Col 4, lines 21-25 “Subscriber video terminal 120 includes a decoder 23 connected to the network interface 22 to decompress the transmitted video program into the original format and displayed on a video monitor 24”).

**Regarding claims 4, 20, and 34,** Nishio et al disclose a method for enabling a receiver device to receive media content wherein the media content comprises video content (Col 1, lines 35-36 “a video-on-demand system for providing video signals”).

**Regarding claims 9, 24, and 36,** Nishio et al disclose a method for enabling a receiver device to receive media content wherein the media content comprises a unicast of the media content (Col 3, lines 50-53 “a transfer command signal from the service node 110 to transfer a copy of a requested video program from the video storage 40 to the video storage 35 of the node 110”).

**Regarding claims 12, 27, and 38,** Nishio et al disclose a method for enabling a receiver device to receive media content comprising the step of the recorder device transmitting the media content recorded by it to the first receiver device (Col 4, lines 21-25 “Subscriber video terminal 120 includes a decoder 23 connected to the network

interface 22 to decompress the transmitted video program into the original format and displayed on a video monitor 24”).

**Regarding claims 13, 28, and 39,** Nishio et al disclose a method for enabling a receiver device to receive media content comprising the step of the server computer receiving the media content recorded by the recorder device and transmitting it to the first receiver device (Col 3, lines 49-53 “video server 41 is connected...to receive a transfer command signal from the service node 110 to transfer a copy of a requested video program from the video storage 40 to the video storage 35 of the node 110” and Col 3, lines 53-55 “the program in the video storage 34 may be further copied and transferred to the video storage of another service node).

**Regarding claims 14 and 29,** Nishio et al disclose a method for enabling a receiver device to receive media content comprising the steps of:

- a cache server computer receiving the media content recorded by the recorder device and storing it (Col 3, lines 49-53 “video server 41 is connected...to receive a transfer command signal from the service node 110 to transfer a copy of a requested video program from the video storage 40 to the video storage 35 of the node 110”); and
- the cache server transmitting a first copy of the media content recorded by the recorder device to the first receiver device (Col 4, lines 21-25 “Subscriber video terminal 120 includes a decoder 23 connected to the network interface 22 to decompress the transmitted video program into the original format and displayed on a video monitor 24”).

**Regarding claims 15 and 30**, Nishio et al disclose a method for enabling a receiver device to receive media content comprising the step of, in response to the server computer receiving a second request from a second receiver device for the media content, the cache server transmitting a second copy of the media content recorded by the recorder device to the second receiver device (Col 3, lines 53-57 "the program in the video storage 34 may be further copied and transferred to the video storage of another service node...that is nearest to a requesting subscriber").

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 3, 5- 7, 17-19, 21, 22, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio as applied to claims above.

**Regarding claims 2, 17, and 32**, Nishio et al suggest a method for enabling a receiver device to receive media content (Col 1, lines 35-36 "a video-on-demand system for providing video signals"), but do not specifically disclose the content as being television content.

The examiner takes official notice that video-on-demand systems are notoriously well known to provide television programs to the customer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio to include television content as one aspect of the media content.

**Regarding claims 3, 18, and 33,** Nishio et al suggest a method for enabling a receiver device to receive media content (Col 1, lines 35-36 "a video-on-demand system for providing video signals"), but do not specifically disclose that the content is television content.

The examiner takes official notice that video-on-demand systems are notoriously well known to provide television programs, which include both video and audio to the customer.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio to include audio content as one aspect of the media content.

**Regarding claims 5 and 19,** Nishio et al suggest a method for enabling a receiver device to receive media content (Col 1, lines 35-36 "a video-on-demand system for providing video signals"), but do not specifically disclose the content as being graphics content.

The examiner takes official notice that networked systems are notoriously well known to distribute a variety of content, including graphics content, to various users of the systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio to include graphics content as one aspect of the media content.

**Regarding claims 6 and 21**, Nishio et al suggest a method for enabling a receiver device to receive media content wherein the media content comprises information content (Col 1, lines 35-36 "a video-on-demand system for providing video signals"), but do not specifically disclose the content as being information content.

The examiner takes official notice that networked systems are notoriously well known to distribute a variety of content, including information content, to various users of the systems.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio to include information content as one aspect of the media content.

**Regarding claims 7 and 22**, Nishio et al suggest a method for enabling a receiver device to receive media content wherein the first receiver device, server computer, and recorder device are coupled via a network (Col 1, lines 38-39 "a plurality of video storage devices distributed over a network"), but do not specifically disclose that network as being the Internet.

The examiner takes official notice that the Internet is a well known, widely used, and commercially available network for the distribution of a variety of digital data, including video, audio, still pictures, text, and other data.



Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio to include coupling the various remote elements via the Internet.

5. Claims 8, 10, 11, 23, 25, 26, 35, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nishio as applied to claims above, and further in view of Bradley et al (5,285,272).

**Regarding claims 8, 23, and 35,** Nishio et al suggest a method for enabling a receiver device to receive media (Col 3, lines 50-53 "a transfer command signal from the service node 110 to transfer a copy of a requested video program from the video storage 40 to the video storage 35 of the node 110"), but do not specifically disclose that the media content comprises a broadcast of the media content.

Bradley et al teach a method for enabling a receiver device to receive a broadcast of media content (Col 1, line 66 - Col 2, line 1 "first transmission means for transmitting...television signal to at least one receive station; at least one storage means at each...receive station for storing television signals received over...transmission means").

As suggested by Nishio and taught by Bradley, recording a broadcast signal is a well known, widely used and commercially available method of storing a television signal for later use and distribution.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio in order to receive and record a broadcast signal.

**Regarding claims 10, 11, 25, 26 and 37**, Nishio et al suggest a method for enabling a receiver device to receive media content (Col 3, lines 50-53 "a transfer command signal from the service node 110 to transfer a copy of a requested video program from the video storage 40 to the video storage 35 of the node 110"), but do not specifically disclose a recorder device comprising a personal video recorder.

Bradley et al teach a method for enabling a receiver device to receive a broadcast of media content wherein the receiver comprises a personal video recorder (Col 5, lines 9-10 "each receiver 'C' has a first element being a video cassette recorder").

As suggested by Nishio and taught by Bradley, recording using a personal video recorder is a well known, widely used and commercially available method of storing a television signal for later use and distribution.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Nishio in order to receive and record using a personal video recorder.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Fletcher whose telephone number is (703) 305-3464. The examiner can normally be reached on 7:45AM - 5:45PM M-Th, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached at (703) 308-9644.

**Any response to this action should be mailed to:**

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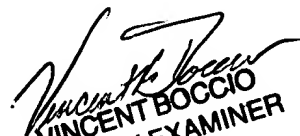
**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

JAF  
February 18, 2004

  
VINCENT BOCCIO  
PRIMARY EXAMINER